

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL JACOBS,
Plaintiff,

CIVIL ACTION

v.

SHARON HALPER; BARRY HALPER;
INC.; SOTHEBY'S, INC.; SOTHEBY
PARKE BERNET, INC.; SOTHEBY
HOLDINGS; SOTHEBY'S; GREY
FLANNEL AUCTIONS, INC.; GREY
FLANNEL COLLECTIBLES, INC.,
Defendants.

NO. 14-6515

ORDER

AND NOW, this 22nd day of July, 2015, upon consideration of Defendants Sharon Halper and Barry Halper, Inc.'s (jointly, the "Halper Defendants") Motion to Dismiss Plaintiff's Amended Complaint (ECF No. 27); Defendants Sotheby's, Inc., Sotheby Parke Bernet, Inc., Sotheby's Holdings, and Sotheby's (jointly, the "Sotheby's Defendants") Motion to Dismiss Plaintiff's Amended Complaint (ECF No. 28); the Motion of Defendants Grey Flannel Collectibles, Inc. and Grey Flannel Auctions, Inc. (jointly, the "Grey Flannel Defendants") Motion to Dismiss Plaintiff's Amended Complaint (ECF NO. 32); the Plaintiff's responses thereto (ECF Nos. 39, 40, and 41); and the parties supplemental letter briefs (ECF Nos. 48, 49, and 50), **IT IS ORDERED** that:

1. The Grey Flannel Defendants' Motion is **GRANTED**; all claims against the Grey Flannel Defendants are **DISMISSED WITH PREJUDICE**;
2. The Sotheby's Defendants' and the Halper Defendants' Motions are **GRANTED IN PART AND DENIED IN PART**;
 - a. The Motions to dismiss Plaintiff's fraud and misrepresentation claim (Count I) are **DENIED**;
 - b. Plaintiff's claim for negligent misrepresentation (Count II) is **DISMISSED WITH PREJUDICE**;

- c. Plaintiff's claim for violations of New York General Business Code Section 349 (Count III) are **DISMISSED WITH PREJUDICE**;
- d. Plaintiff's claim for violations of Pennsylvania's Unfair Trade Practices and Consumer Protection Law, 72 Pa. Cons. Stat. § 201-1 *et seq* (Count IV) is **DISMISSED WITH PREJUDICE**;
- e. Plaintiff's claim for unjust enrichment (Count V) is **DISMISSED WITH PREJUDICE**;

BY THE COURT:

/S/WENDY BEETLESTONE, J.

WENDY BEETLESTONE, J.